IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.77 OF 2006
IN
APPEAL (LDG.) NO.1123 OF 2005
IN
NOTICE OF MOTION NO.1312 OF 1994
IN
SUIT NO.642 OF 1989

Moiz Abdul Husein Pardiwala & Ors. ....Applicants
V/s.
Krishna M. Mathur & Anr. ....Respondents

Mr.A. Panikar i/b Khaitan & Jayakar for the Applicants.
Mr.D.V.Singh i/b Thakordas Madgaonkar for the Respondents.

CORAM : DR.S. RADHAKRISHNAN &
S.J. VAZIFDAR, JJ.
DATED : 18TH MARCH, 2006.

P.C. :

1. Heard the learned counsel for the Applicant and the Respondent. Perused the affidavit in support of the Notice of Motion. For the reasons stated in the affidavit in support of the Notice of Motion, sufficient cause is made out. There is no case of inaction, negligence or want of bona-fide on the part of the Applicant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

2. The Appeal to be placed for admission on 17.4.2006 subject to numbering.

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)